

Paul B. George, OSB No. 99009  
E-mail: [georp@fosterpdx.com](mailto:georp@fosterpdx.com)  
Carter M. Mann, OSB No. 96089  
E-mail: [mannc@fosterpdx.com](mailto:mannc@fosterpdx.com)  
Matthew S. Kirkpatrick, OSB No. 08382  
E-mail: [kirkm@fosterpdx.com](mailto:kirkm@fosterpdx.com)  
FOSTER PEPPER LLP  
601 SW Second Avenue, Suite 1800  
Portland, OR 97204-3171  
Telephone: (503) 221-0607  
Facsimile: (503) 221-1510

*Of Attorneys for PNL High Country, L.P. and  
Federal Deposit Insurance Corporation as receiver for  
IndyMac Bank, F.S.B.*

FILED  
JAN 07 2009

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON

PNL HIGH COUNTRY L.P.,

Plaintiff,

vs.

EAGLE'S LOFT CONDOMINIUM, LLC, an  
Oregon limited liability company; VERITAS  
INVESTMENT CO., LLC, an Oregon limited  
liability company; JOHN SCHLEINING, an  
individual; DECAL OREGON, INC., an Oregon  
corporation; CALVIN BATY, JR., an individual;  
and WESTERN PROPERTY INVESTMENTS  
LLC, an Oregon limited liability company,

Defendants.

Case No. 3:08-cv-01183-ST

**~~PROPOSED~~ ORDER OF  
DISMISSAL**

(Dismissing with prejudice claims against  
defendants John Schleining, Decal  
Oregon, Inc., and Western Property  
Investments LLC, and terminated  
counterclaims against counterclaim  
defendant Federal Deposit Insurance  
Corporation as receiver for IndyMac  
Bank, F.S.B.; and dismissing without  
prejudice claims against Eagle's Loft  
Condominium, LLC)

This matter came before the Court on January 5, 2009, on the Stipulated Motion to Dismiss with Prejudice as to Defendants John Schleining and DeCal Oregon, Inc. and Counterclaim Defendant Federal Deposit Insurance Corporation as receiver for IndyMac Bank, FSB, and to Dismiss without Prejudice as to Defendant Eagle's Loft Condominium, LLC ("Stipulated Motion"), dated December 19, 2008, filed by plaintiff PNL High Country, L.P.

("PNL") and former Counterclaim Defendant Federal Deposit Insurance Corporation as Receiver for IndyMac Bank, F.S.B., by and through their counsel of record, Foster Pepper LLP, by defendants Schleining and DeCal Oregon, Inc., by and through their counsel of record, Tonkon Torp LLP, and by defendant Eagle's Loft Condominium, LLC, by and through its counsel of record, Cable Huston Benedict Haagensen & Lloyd LLP.

The Court, having considered the Stipulated Motion of the above parties, and being fully advised,

ORDERS that the Stipulated Motion is GRANTED as follows:

1. PNL's claims and the action as against defendants DeCal Oregon, Inc., Schleining, and Western Property Investments, LLC, are DISMISSED WITH PREJUDICE and without attorney fees or costs to any party;
2. PNL's claims and the action as against defendant Eagle's Loft Condominium, LLC are DISMISSED WITHOUT PREJUDICE and without attorney fees or costs to any party, to afford PNL the ability to institute a judicial or nonjudicial foreclosure in the future if necessary to clear title to the property at issue, provided that said foreclosure (whether judicial or nonjudicial) shall be without personal recourse to Eagle's Loft Condominium, LLC for any deficiency. PNL shall have the right to prosecute this action or to pursue nonjudicial foreclosure against any parties other than defendants DeCal Oregon, Inc., Schleining, and Western Property Investments, LLC; and

///

///

///

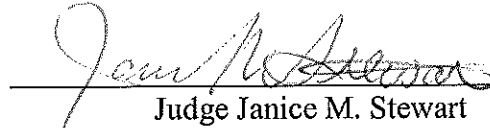
///

///

///

3. The counterclaims of Eagle's Loft Condominium, LLC, DeCal Oregon, Inc., and Schleining, previously terminated without prejudice, and the action as against former counterclaim defendant Federal Deposit Insurance Corporation as Receiver for IndyMac Bank, F.S.B. are DISMISSED WITH PREJUDICE and without attorney fees or costs to any party.

Dated: January 7, 2009.

  
\_\_\_\_\_  
Judge Janice M. Stewart

Submitted by:

FOSTER PEPPER LLP  
Paul B. George, OSB No. 99009  
Carter M. Mann, OSB No. 96089  
Matthew S. Kirkpatrick, OSB No. 08382  
Of Attorneys for PNL High Country, L.P. and  
Federal Deposit Insurance Corporation as receiver for  
IndyMac Bank, F.S.B.

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **ORDER** was served upon:

Matt Goldberg	matt.goldberg@klgates.com
G. Frank Hammond	fhammond@chbh.com
Albert N. Kennedy	al.kennedy@tonkon.com
P Stephen Russell III	srussell@landye-bennett.com
Ava L. Schoen	avas@tonkon.com
Robert J. Vanden Bos	bob@vbcattorneys.com
J. Stephen Werts	swerts@cablehuston.com
Steven M. Wilker	steven.wilker@tonkon.com
Jacob K. Clifton, Jr.	jclifton@jclslaw.com

[X] as shown above to be electronically filed with the Clerk of the Court by using the CM/ECF system, which will send a Notice of Electronic Filing; and

Western Property Investments, LLC  
c/o Carolyn Baty, R/A  
807 Washington Street, #103  
Key West, FL 33040

Veritas Investment Co., LLC  
c/o P. Stephen Russell, III, R/A  
Landye Bennett Blumstein LLP  
1300 SW Fifth Ave., Suite 3500  
Portland, OR 97201

[X] by causing a copy thereof to be placed in a sealed envelope, postage prepaid, in the United States Mail at Portland, Oregon, on the date below.

DATED this 7th day of January, 2009.

/s/ Paul B. George  
Paul B. George, OSB No. 99009  
Carter M. Mann, OSB No. 96089  
Matthew S. Kirkpatrick, OSB No. 08382

Of Attorneys for PNL High Country, L.P.